IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE A.K.BASHEER

TUESDAY, THE 7TH AUGUST 2007 / 16TH SRAVANA 1929

WP(C).No. 6928 of 2006(Y)

PETITIONER:

DR.R.SATHEESH KUMAR,
LECTURER, DEPARTMENT OF ECONOMICS,
ST.PLUS X COLLEGE, RAJAPURAM.P.O,
KASARAGOD-671 532.

BY ADV. SRI.V.L.SHENOY

RESPONDENTS:

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1. STATE OF KERALA,
HIGHER EDUCATION DEPARTMENT,
THROUGH ITS PRINCIPAL SECRETARY,
GOVERNMENT OF KERALA,
THIRUVANANTHAPURAM.

2. THE DEPUTY DIRECTOR OF COLLEGIATE
EDUCATION,
KOZHIKODE.

3. ACCOUNTANT GENERAL OF KERALA (A&E),
THIRUVANANTHAPURAM.

R4. UNIVERSITY OF KANNUR, KANNUR
REP. BY ITS REGISTRAR

ADDL. RESPONDENT NO.4 IS IMPLEADED AS PER ORDER DT. 19.7.06 IN IA 9648/06

BY GOVERNMENT PLEADER SRI. A.J. VARGHESE

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 07/08/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WPC NO. 6928/06

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P1. COPY OF THE ORDER NO. G.O.(P) NO.44/2001/H.Edn DT. 29.3.01

EXT.P2. COPY OF THE REPRESENTATION DT. 4.10.02 MADE BY THE PETITIONER BEFORE THE 1ST RESPONDENT

EXT.P3. COPY OF THE ORDER NO. Fin. G.B/286/2000 DT. 1.2.01

EXT.P4. COPY OF REPRESENTATION DT. 4.10.02 MADE BY THE PETITIONER BEFORE THE 2ND RESPONDENT

EXT.P5. COPY OF THE LETTER DT. 24.5.05 SENT TO THE 1ST RESPONDENT

EXT.P6. COPY OF THE REPRESENTATION DT. 30.7.05 MADE BY THE PETITIONER BEFORE THE CHIEF MINISTER

/TRUE COPY/

PA TO JUDGE.

A.K. BASHEER, J.

W.P.(C). NO. 6928 OF 2006

Dated this the 7th day of August, 2007

J U D G M E N T

Petitioner is stated to be working as Lecturer in Economics in St. Pius X College, Rajapuram in Kasargod District. He had joined the service on January 1, 1997 in the pay scale of Rs.8000-275-13500.

2. It is admitted by the petitioner that his pay was fixed at Rs.9,100/- at the time of appointment. It is not in dispute that petitioner was holding Phd. Degree in the discipline concerned. It is also beyond controversy that appointment of the petitioner was approved by the University

3. Grievance of the petitioner is that his pay is not being fixed as provided under Rule 28A of Part I KSR. It is pointed out by the learned counsel that in several similar circumstances, Rule 28A was made applicable and benefits of pay revision were given. Though petitioner has sought to quash Clause 8 of Ext.P1 order of the Government, learned counsel submits that petitioner will be satisfied if an appropriate direction is issued to respondent

No.1 to take a decision on Ext.P4 representation.

In that view of the matter, I do not propose to deal with the merit of any of the contentions raised by the petitioner. It is made clear that it will be open to respondent No.1 to take a decision in the matter strictly on its merit and in accordance with law, as expeditiously as possible, at any rate, within three months from the date of receipt of a copy of this judgment. Respondent No.1 shall ensure that petitioner is afforded sufficient opportunity to be heard before any decision is taken in the matter. It will be open to the petitioner to produce all relevant records in support of his plea before respondent No.1 at the time of hearing.

The writ petition is disposed of as above.

A.K. BASHEER, JUDGE

vps

A.K. BASHEER, JUDGE

OP NO.20954/00

JUDGMENT

1ST MARCH, 2007